



File No: Matrix.7326
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of: Daniel Seguin

Serial No.: 10/784,385

Group No: 3679

Filed: February 23, 2004

Examiner: Dunwoody, Aaron M.

For: PIPETTE STABILIZER

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- ☐ a small entity - verified statement:
- ☐ attached.
- ☐ already filed.
- ☒ other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Debora A. Connors
(Type or print name of person mailing letter)

Date: 11 Aug 05

Debora A. Connors
(Signature of person mailing paper)

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)--If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR §1.136 apply

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$1,590.00	\$ 795.00
<input type="checkbox"/> fifth month	\$2,160.00	\$1,080.00

Fees: \$ _____

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR		ADDITIONAL RATE	ADDITIONAL RATE
TOTAL	MINUS	=	x\$50.00=\$	x\$25.00=\$
INDEP.	MINUS	=	x\$200.00=\$	x\$100.00=\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+\$360.00=\$	+\$180.00=\$
			TOTAL ADDITIONAL FEE \$_____	OR TOTAL ADDITIONAL FEE \$_____

If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$_____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$_____.
- ☐ Charge Account No. 19-0079 the sum of \$_____.

A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 19-0079

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 19-0079



SIGNATURE OF ATTORNEY

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RESPONSE

This is in response to the office action mailed on May 26, 2005.

The examiner has correctly noted that the device in Pepicelli et al. lacks the claimed stabilizer member. As such, Pepicelli is equivalent to the prior art illustrated in Figure 1 of the present application, where smaller diameter pipettes would wobble uncontrollably after their proximate ends are inserted into the resilient sleeve contained within the nose of the pipetter.

The examiner then reaches to Smith for an alleged teaching of the stabilizing member. But Smith has no such teaching.

Instead, Smith teaches the use of filtered tips mounted at the opposite distal ends of the pipettes. There is not the slightest suggestion in Smith that such filtered tips might be employed in some fashion to stabilize the pipettes at locations adjacent to their proximate ends, where they are inserted into the stepped resilient sleeve contained within the pipetter nose.

In point of fact, that teaching can only be obtained from the present application, which suggests that the examiner has succumbed to the temptation to employ hindsight after he has read the specification of the present application.

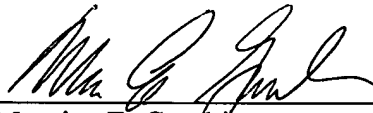
In summary, therefore, it is respectfully suggested that a fair reading of the teachings of Pepicelli and Smith would not lead the man skilled in the art to address the pipette wobbling problem by employing a stabilizing member in accordance with the present invention.

The other references have been considered and found to be even less pertinent than those relied upon by the examiner.

The examiner's objection to the specification is not understood. It would seem that the language at Page 4, lines 15-18 provide adequate support for the subject matter claimed in Claim 5.

In light of the foregoing, it is now believed that this application is in condition for allowance, and such action is earnestly solicited.

Respectfully submitted,



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